



PATENT  
Customer No. 22,852  
Attorney Docket No. 04012.0384

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:	)	
	)	
Lukas-Laskey et al.	)	Group Art Unit: 1614
	)	
Application No. 10/721,022	)	Examiner: Not Yet Assigned
	)	
Original Patent No. 5,902,821	)	
	)	
Original Issue Date: May 11, 1999	)	
	)	
Reissue Filed: November 25, 2003	)	
	)	
For: USE OF CARBAZOLE	)	
COMPOUNDS FOR THE	)	
TREATMENT OF CONGESTIVE	)	
HEART FAILURE	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REISSUE DECLARATION UNDER 37 C.F.R. §§ 1.172 and 1.175**

I, Stephen A. Venetianer, a citizen of the United States of America, declare as follows:

1. I am authorized to act on behalf of the following assignee: SB PHARMCO PUERTO RICO INC. U.S. Patent No. 5,902,821, is assigned to SB PHARMCO PUERTO RICO INC. as assignee of the entire right, title and interest in said patent by virtue of an assignment from Roche Therapeutics Inc. to SB PHARMCO PUERTO RICO INC., recorded on September 16, 2003, at Reel 013974, Frame 0463.
2. The title of my position is Vice President, Pharmaceutical Patents.

3. The entire title to the patent identified below is vested in SB PHARMCO  
PUERTO RICO INC.

<u>Name of Patentees</u> Mary Ann Lukas-Laskey; Robert Ruffolo, Jr.; Neil Howard Shusterman; Gisbert Sponer; Klaus Strein	
<u>Patent Number</u> 5,902,821	<u>Date of Issued Patent</u> May 11, 1999
<u>Title of Invention</u> USE OF CARBAZOLE COMPOUNDS FOR THE TREATMENT OF CONGESTIVE HEART FAILURE	

4. I believe these patentees are the original, first and joint inventors of the subject matter which is described and claimed in United States Patent No. 5,902,821, granted on May 11, 1999, and for which a reissue patent is sought on the invention entitled, " USE OF CARBAZOLE COMPOUNDS FOR THE TREATMENT OF CONGESTIVE HEART FAILURE," the specification of which was filed on November 25, 2003, as Reissue Application No. 10/721,022 and was amended on November 25, 2003.

5. I have reviewed and understand the contents of the above-identified specification, including the original patent claims, and the claims as amended by any amendment referred to above.

6. I acknowledge the duty to disclose information that is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

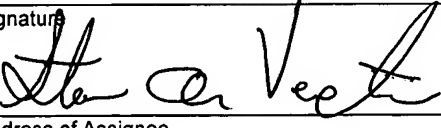
7. I hereby claim the benefit under 35 U.S.C. § 119(a) of the foreign application DE 195 03 995 filed in the Fed. Rep. of Germany on February 8, 1985. A certified copy of this application is of record in the file of U.S. Patent Application No. 08/875,603, which gave rise to U.S. Patent No. 5,902,821.

8. I believe that U.S. Patent No. 5,902,821 is at least partially inoperative or invalid by reason of the patentees claiming more or less than they had a right to claim.

9. The error upon which reissue is based is the failure in the claims of the U.S. Patent No. 5,902,821 to recite administering to a patient third dosages comprising carvedilol daily for a maintenance period "to decrease a risk of mortality caused by congestive heart failure."

10. The above-described error and all other errors corrected in this reissue application arose without any deceptive intent on the part of the applicants.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of person signing Stephen A. Venetianer	
Signature 	Date June 15, 2004
Address of Assignee 105 Ponce de Leon Avenue, Hato Rey, Puerto Rico 00917	

First Joint Inventor <b>Mary Ann Lukas-Laskey</b>	Residence 1019 Great Spring Rd. Rosemont, PA 19010 USA	Citizenship USA
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**CONSENT OF ASSIGNEE, POWER OF ATTORNEY,  
AND STATEMENT UNDER 37 C.F.R. § 3.73(b)**

U.S. Patent No. 5,902,821, is assigned to SB PHARMCO PUERTO RICO INC.  
as assignee of the entire right, title and interest in said patent by virtue of an assignment  
from Roche Therapeutics Inc. to SB PHARMCO PUERTO RICO INC., recorded on  
September 16, 2003, at Reel 013974, Frame 0463.

SB PHARMCO PUERTO RICO INC. hereby consents to the reissue of U.S.  
Patent No. 5,902,821.

SB PHARMCO PUERTO RICO INC. hereby grants power of attorney to  
**FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., CUSTOMER**

**NUMBER 22,852**, Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; Roger D. Taylor, Reg. No. 28,992; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanhon Sonu, Reg. No. 33,457;

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Please send all future correspondence concerning this application to Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. at the following address:

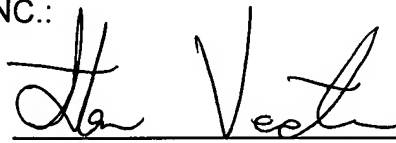
Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
1300 I Street, N.W.  
Washington, D.C. 20005-3315

The undersigned, whose title is supplied below, is empowered to sign on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

On behalf of SB PHARMCO PUERTO RICO INC.:

June 15, 2004  
Date



Signature

Stephen A. Venetianer  
Name

Vice President, Pharmaceutical Patents  
Title